

Appl. No. : 09/636,278  
Filed : August 10, 2000

## REMARKS

In response to the Office Action mailed May 18, 2004, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As shown above, Applicant has amended independent claim 43 to clearly distinguish over the cited references. Applicant further notes that independent claim 55 is neither anticipated nor rendered obvious by the cited references. Accordingly, Applicant believes the pending claims are now fully in condition for allowance.

### Rejection of Claim Rejections

The Examiner rejects claims 43, 44, 48, 49, 53-55 and 58-64 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,001,118 to Daniel et al. The Examiner rejects claim 56 under 35 U.S.C. §103(a) as being unpatentable over Daniel et al.

In response to the Examiner's rejections, Applicant has amended independent claim 43 to recite "an expandable member at the distal end portion of the tubular member, the expandable member being formed at least in part from a braided structure." Claim 43 also now recites "a resilient material an occluding membrane encapsulating the expandable member, the occluding membrane being configured to completely occlude blood flow in the vascular segment." Daniel et al. neither teaches nor suggests an expandable member formed at least in part from a braided structure, wherein the expandable member is encapsulated by an occluding membrane configured to completely occlude blood flow. Rather, Daniel et al. merely discloses an expandable filter for capturing emboli in a body lumen. Accordingly, claim 43 and all the claims that depend therefrom are now in condition for allowance.

With respect to claim 55, Applicant notes that the current language recites "a covering disposed over the expandable member configured to expand with the expandable member and further configured to interrupt fluid flow through a vascular segment when the expandable member is in the expanded configuration." As discussed above, Daniel et al. merely discloses an expandable filter and neither teaches nor suggests anything about a covering for interrupting fluid flow through a vascular segment. Accordingly, claim 55 and the claims that depend therefrom are also in condition for allowance.

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**Allowable Subject Matter**

Applicant appreciates the Examiner's determination that claims 45-47 would be allowable if rewritten in independent form.

**CONCLUSION**

In view of Applicant's amendments and remarks, Applicant earnestly believes that each of the pending claims is now in condition for allowance. Should the Examiner have any remaining concerns, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 19, 2004

By:



David L. Hauser  
Registration No. 42,463  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

AMEND

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